IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 15230 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE M.C.PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GAYATRI KRUPA EDUCATION TRUST - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MR NIRAJ BUCH for NANAVATY ADVOCATES for Petitioner(s) : 1,
MS FALGUNI PATEL, AGP for Respondent(s) : 1, 3,
RULE SERVED for Respondent(s) : 1 - 3.
MR AD OZA for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.C.PATEL

Date : 28/06/2006

ORAL JUDGMENT

Heard learned advocate Mr. Niraj Buch appearing for the petitioner.

2. The petitioner has challenged the decision of the Gujarat Secondary Education Board, which was confirmed by the Government in appeal, refusing the petitioner's application for registration of the Secondary School. Before the appellate authority, one of the submissions on behalf of the petitioner was that the Sami Taluka had been declared a backward area and was often affected by drought and the people were not able to pay fees and to run this school without grant is not possible. It appears from the order of the Gujarat Secondary Education Board dated 11th May, 2001 that the petitioner had applied for registration of the Secondary School without grant. However, before the appellate authority, they submitted that it was not possible to run the school without grant. In the circumstances, the petition is dismissed without going into the question of need for another school in the area and non-availability of sufficient classrooms. Rule discharged.

(M.C. Patel, J.)

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